

9 FAM PART IV Appendix G, 200 CLEARANCES AT POST

(TL:VISA-272; 05-09-2001)

9 FAM 201 CHECKS OF CLASS MANDATORY

(TL:VISA-272; 05-09-2001)

Under no circumstances may consular officers issue an immigrant or nonimmigrant visa without a check of the applicant's name through the Consular Lookout and Support System (CLASS). It is the officer's responsibility to ensure that CLASS name checks have been completed in all cases. Consular officers must personally and carefully screen all possible CLASS "hits," and must institute adequate management controls which are appropriate to the security situation at post. Such controls should include, but are not limited to, spot-checking the names of actual applicants and occasionally including the names of known entries to see if "hits" are reported. At all posts, consular officers must be vigilant to ensure the integrity of the clearance process.

9 FAM 202 ACTING ON CLASS "HITS"

(TL:VISA-272; 05-09-2001)

a. When an applicant's name appears in CLASS, the consular officer should first attempt to ascertain whether the applicant is identical with the subject of the CLASS entry. If the officer cannot eliminate the applicant as the subject of the CLASS entry based on the information provided, he or she should then evaluate the CLASS refusal or lookout code to determine whether the entry may reflect derogatory information which affects the applicant's visa eligibility. If such is the case, the officer must take the following action:

- (1) Post entries: check all appropriate post records;*
- (2) Other post entries: request a clearance from the entering post in accordance with the procedures discussed below; or*
- (3) Department entries: request an advisory opinion.*

b. When adjudicating cases involving CLASS "hits", consular officers must obtain and evaluate the information which formed the basis for the CLASS entry, or request the Department's advisory opinion and receive its response, prior to making a final determination of the applicant's visa eligibility.

c. If the information upon which the CLASS entry was based cannot be located or is otherwise unavailable, the consular officer must either:

(1) Attempt to reconstruct the information through investigation or by requesting additional documentation from the applicant (e.g., police certificates from an applicant entered under the "2A1" code for a crime involving moral turpitude); or

(2) If satisfied that the information was in error, no longer applies, or cannot be reconstructed, ask the Department to delete the CLASS entry per the instructions in 9 FAM Appendix D, 204.

9 FAM 203 ANNOTATING VISAS WHEN CLASS "HITS" NOT APPLICABLE

(TL:VISA-272; 05-09-2001)

If a consular officer decides, or is advised by the Department, that what appears to be a CLASS "hit" does not pertain to the visa applicant in question, the visa should be annotated, "Not the same as CLASS entry". This annotation will serve to inform INS inspectors at the port of entry that the adjudicating consular officer was aware of the lookout and determined that it applied to someone other than the visa applicant. The annotation should be used with both machine readable and Burroughs visas.